

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:09-CV-89-H

CAMILLA THOMPSON, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	ORDER
)	
BANK OF AMERICA, <u>et al.</u> ,)	
)	
Defendants.)	

This matter is before the court on plaintiffs' motion to stay the proceedings and for discovery prior to the Rule 26(f) hearing [DE #106]. Defendants Branch Banking & Trust Company of South Carolina, Bank of America, Carolina First Bank, RBC Bank (USA) (the "responding lender defendants"), Maryville Partners, Inc., Craven's Grant on Winyah Bay Homeowners Association Inc., R.A. North Development, Inc., R.A. North Development I, Inc., Randolph Allen, William Allen, and Southeastern Waterfront Marketing, Inc., oppose plaintiffs' motion. The time for further filings has expired, and plaintiffs' motion is, therefore, ripe for adjudication.


In the motion presently before the court, plaintiffs move to stay this action, asserting that "there is a concurrent criminal investigation arising out of the same facts and circumstances as alleged in this case . . . [which] has resulted

in the indictment of the former Governor of South Carolina's [sic] chief of staff . . . [and] implicates 'Charlotte developers' Randolph Allen and William G. Allen." (Mot. Stay & Compel Prod. Docs. [DE #106] at 1.) Without further explanation, plaintiffs maintain that the pending criminal investigation "will expose a far greater fraudulent scheme and will necessarily provide evidence of the Lender Defendants' direct involvement in criminal enterprise . . . [and] the direct complicit relationships with appraisers and the intermediate developers." (Id. at 2.) The court finds that the grounds stated in plaintiffs' motion are insufficient to warrant staying this action in its entirety. Moreover, the court notes that plaintiffs have since argued against a stay of this action, representing to the court that "[m]any of the [p]laintiffs are experiencing severe financial distress and continued delay will only serve to aggravate this condition." (Sealed Doc. [DE #184] at 3.) Accordingly, the court DENIES plaintiffs' motion to stay.

Plaintiffs further request the court to order certain defendants in this case to provide discovery of certain documents prior to the Rule 26(f) conference in this matter. The responding lender defendants oppose any discovery prior to a determination of their pending motions to dismiss. The court has carefully considered this matter and finds an insufficient

basis for compelling discovery at this time. The court, therefore, DENIES plaintiffs' motion for an order compelling immediate discovery.

This 8TH day of September 2010.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", is written over a horizontal line.

MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
#31